

(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE(1) Charles F. Carlone 098159
(Name of Plaintiff) (Inmate Number)DCC, Smyrna... 19977
(Complete Address with zip code)(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Police Chief, Rehoboth, Keith Banks
(2) PFC R. Tyler Whitman - Reho Police
(3) Sgt. Mitchell - Reho Police Dept.
(Names of Defendants)(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

1-05-cv-600 KAJ

FILED

MAR - 6 2006

U.S. DISTRICT COURT
DISTRICT OF DELAWARERG
Scanned
No IFF

06-152-

CIVIL COMPLAINT

•• Jury Trial Requested

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? Yes No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? Yes No

C. If your answer to "B" is Yes:

1. What steps did you take? None

2. What was the result?

D. If your answer to "B" is No, explain why not: My 1983 is directed at Rehoboth Beach Police Department.

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: KEITH BANKS
 Employed as Chief of Police at Rehoboth Police
 Mailing address with zip code: 229 Rehoboth Avenue
Reho Bch, DE 19971-2197

(2) Name of second defendant: R. TYLER WHITMAN
 Employed as PFC-Policeman at Rehoboth Police
 Mailing address with zip code: 229 Rehoboth Police
Reho Bch, DE 19971-2197

(3) Name of third defendant: Benny Mitchell
 Employed as SGT-Policeman at Rehoboth Police
 Mailing address with zip code: 229 Rehoboth P Avenue
REHO BCH, DE 19971-2197

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)



CITY OF REHOBOTH BEACH
POLICE DEPARTMENT

229 Rehoboth Avenue
Rehoboth Beach, DE 19971-2197

KEITH W. BANKS
Chief of Police
Telephone: (302) 227-2577
Fax: (302) 227-6054
www.rehobothpolice.org

September 15, 2005

6 copies of
10-09-05

Charles F. Cardone
Unit SHU 19 . B8L
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Dear Mr. Cardone:

This letter is in response to the complaint you lodged against Pfc. Robt. Tyler Whitman of the Rehoboth Beach Police Department.

Sgt. Benjamin R. Mitchell, II of this Department has completed the investigation of your allegations and the findings have been reviewed by the Chief of Police. Your allegations have been ruled: **two counts not sustained; one count exonerated.** No disciplinary action will be taken against the officer.

This letter shall constitute the final action to be taken in this matter by the Rehoboth Beach Police Department. If you have any questions, or if you are not satisfied with the results of the investigation, please feel free to contact me or the Special Investigations Division with the Department of Justice (302) 577-8944.

Sincerely,

Keith W. Banks

Keith W. Banks
Chief of Police

KWB.mlj
copy: file

11st 28, 2006
Thursday 2 PM

To: Keith W. Banks

Chief of Police

City of Rehoboth Beach

* To be used in

support of 1983 sent

to Del. District Ct on

Mar. 2, 2006 by cfc

From: Charles F. Cardone

RE: Citizen Complaint Report (RB11).

Excessive force / Police Brutality - PFC Robert T. Whitman

*Description of Incident:

On September 7, 2004, approx. 2100 I was in the 7-11 Store on Rehoboth Avenue getting myself a cup of coffee. In the next moment was punched in the head and taken to the ground on floor of the store and handcuffed. I did not know who or what it was that tried to take my head off ... only after PFC Robert T. Whitman tried to break my left arm at the shoulder, and after he tried to crush my skull by kneeling by his knees and putting his entire weight on my head, did I see his police uniform.

over
-Continued →

RE: Continuation of Citizen Complaint by
me, Charles F. Cardone, to Chief of Rehabilitation
Police Keith W. Bonds Oct. 28, 2004
Thurs. 2PM

→ At no time whatsoever was I made
aware I was being placed under arrest,
nor was I Mirandized per Arizona
v. Miranda. This PFC Robert T. Whitman
did his damnest to injure me, and I
believe, kill me. I wish to be mon-
atarily compensated to the fullest
allowed by State and Federal law. Also,
PFC Robert T. Whitman should not
be allowed to wear a policeman's
uniform ever again. There was a
female officer who witnessed the
above mentioned crime, but I do not
know her name.

Charles F. Cardone

I/M Charles J. Carlson
SBI# 098159 UNIT Bldg 20 C84
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

L E G A
Clerk
U.S. District Court
Lockbox 18
844 N. King St.
Wilm. DE
19801



19801-3513 12

Paw. mis